

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**JAMES E. GRAHAM II; DENNIS ADKINS;
ROGER WRISTON; and DAVID B. POLK;
on behalf of themselves and
others similarly situated; and
UNITED MINE WORKERS OF AMERICA
INTERNATIONAL UNION,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:19-cv-00597

**JUSTICE ENERGY CO. INC.;;
KEYSTONE SERVICE INDUSTRIES, INC.;;
BLUESTONE COAL CORPORATION;
DOUBLE-BONUS COAL CO.; and
SOUTHERN COAL CORPORATION,**

Defendants.

JOINT STATUS REPORT

On October 2, 2020, the parties in the above-captioned case filed a “Joint Status Report.” In that Report, the parties represented to the Court that most, if not all, claims for unpaid medical bills had been informally resolved. The parties asked for additional time to allow Defendants to process a small number of outstanding claims. The parties agreed to provide the Court with another status report by November 6, 2020.

Without waiving any claims or defenses, the parties believe that this informal process continues to bear fruit and the parties have continued to make progress in resolving claims. In fact, the parties believe that nearly all of the existing claims will be resolved shortly.

Following the parties’ Joint Report on August 28, 2020, Plaintiff’s counsel contacted all of the Plaintiffs in this case by mail to ask them to confirm or dispute whether their claims had been paid. Plaintiffs’ counsel received reports from a small number of Plaintiffs regarding outstanding

claims. Plaintiffs' counsel forwarded these claims to Defendants for resolution. Defendants processed the remaining claims through their insurance carrier and they have now either been paid or are awaiting payment. The parties request additional time to allow the insurance carrier to finish processing the payments. Once all payments have been made, but no later than December 11, 2020, the parties will submit another status report. At that time, the parties believe that they will have resolved all of the claims for unpaid medical bills that existed on or before the date this suit was filed and this matter will largely be resolved.

Dated: November 6, 2020

Respectfully Submitted,

/s/ Kevin F. Fagan

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